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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,185	08/07/2006	Michael H. Script	2199-7PCT-US	4052
44190	7590	01/16/2008		
WALTER W. DUFT LAW OFFICES OF WALTER W. DUFT 8616 MAIN ST SUITE 2 WILLIAMSVILLE, NY 14221			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 01/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,185

Applicant(s)

SCRIPT ET AL.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,40-53 and 68-111 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-9,40-53 and 68-111 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/30/05 — 4 pp.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

1. The suggested restriction requirement (SRR) filed 10/31/07, dividing the pending claims into 5 patentably distinct groups, is noted. However, since a preliminary injunction was filed stopping the implementation of the Claims and Continuations Final Rule (that was to go in effect 11/1/07), the restriction and/or election submitted by applicant cannot be accepted. It should also be noted that the present application is a National Stage Application filed under 35 U.S.C. 371, and thus is subject to the "(Lack of) Unity of Invention" practice set forth in MPEP 1850 and 1893.03(d), and PCT Rule 13 (see also 37 CFR 1.475), rather than the standard U.S. practice under MPEP Chapter 800.

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9 and 68-71, drawn to a movement detecting device comprising an inertial sensor adapted to sense both long wave and vibratory motion, and control circuitry for distinguishing between a long-wave motion event and a vibration motion event.

Group II, claim(s) 40-53 and 72-75, drawn to an inertial sensor comprising a piezoelectric transducer having a piezoelectric element, a mass secured for rolling motion via a cantilevered coupling connection to the piezoelectric transducer, a substantial portion of the mass being disposed within a perimeter of the piezoelectric transducer, and the cantilevered coupling connection having a cross-sectional dimension that is smaller than a cross-sectional dimension of the mass to facilitate the rolling motion.

Group III, claim(s) 76-90, drawn to a movement detecting device comprising an inertial sensor and adapted to sense multidirectional movement, and control circuitry for distinguishing a direction of movement sensed by the sensor.

Group IV, claim(s) 91-104, drawn to a movement detecting device comprising an inertial sensor disposed in a vacuum environment.

Group V, claim(s) 105-111, drawn to a self-adhering sensor module comprising a housing, a circuit board in the housing, a battery in the housing providing operative power to the circuit board, adhesive on the housing for attaching the sensor module to an object whose motion is to be detected, and a piezoelectric transducer in the housing electrically connected to the circuit board, the piezoelectric transducer comprising a piezoelectric film and having an unsupported central portion and a perimeter supported by a ring structure in the housing, and an unstable, unbalanced mass on the piezoelectric transducer substantially disposed within the piezoelectric transducer perimeter.

3. The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I is distinct from the other claim groups because it uniquely claims a device whose sensor adapted to sense both long wave and vibratory motion, and control circuitry for distinguishing between a long-wave motion event and a vibration motion event. The other claim groups do not include these "special technical features".

Group II is distinct from the other claim groups because it uniquely claims an inertial sensor having a piezoelectric transducer with a piezoelectric element, a mass secured for rolling motion via a cantilevered coupling connection to the piezoelectric transducer, a substantial portion of the mass being disposed within a perimeter of the piezoelectric transducer, and the cantilevered coupling connection having a cross-sectional dimension that is smaller than a cross-sectional dimension of the mass to facilitate the rolling motion. The other claim groups do not include these "special technical features".

Group III is distinct from the other claim groups because it uniquely claims a device whose sensor is adapted to sense multidirectional movement, and which further includes control

circuitry for distinguishing a direction of movement sensed by the sensor. The other claim groups do not include these "special technical features".

Group IV is distinct from the other claim groups because it uniquely claims a device whose sensor is disposed in a vacuum environment. The other claim groups do not include this "special technical feature".

Group V is distinct from the other claim groups because it uniquely claims a self-adhering sensor module that includes a housing, a circuit board in the housing, a battery in the housing, adhesive on the housing, and a piezoelectric transducer in the housing electrically connected to the circuit board and having a piezoelectric film with an unsupported central portion and a perimeter supported by a ring structure in the housing, and an unstable, unbalanced mass on the transducer substantially disposed within the transducer perimeter. The other claim groups do not include these "special technical features".

4. Because these inventions are distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions are not so linked as to form a single general inventive concept, restriction for examination purposes as indicated is proper.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
AU 2612